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January 30, 2008

VIA ELECTRONIC FILING

Secretary of the Commission
Missouri Public Service Commission
Governor Office Building
P.O. Box 360
Jefferson City, Missouri 65102

Re: In the Matter of a Request to Declassify Certain Portions of Local Exchange Carriers Annual Reports to 4 CSR 240-3.540(5); Case No. IO-2008-0227

Dear Mr. Dale:

Enclosed is an electronic copy of Charter-Missouri, LLC's Application to Intervene, and for Denial of Embarq's Application to Declassify (the "Application"). Please file the Application in your usual fashion.

If you have any questions or comments, please call the undersigned.

Sincerely,



Kennard B. Woods
Counsel for Charter Fiberlink - Missouri, LLC

KBW/jh

Enc.

cc: Charter Fiberlink - Missouri, LLC
(with enclosure)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Request to Declassify Certain Portions of Local Exchange Carriers Annual Reports to 4 CSR 240- 3.540(5)	Case No. IO-2008-0227
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**Charter Fiberlink-Missouri, LLC's Application to Intervene, and for Denial of
Embarq's Application to Declassify**

Charter Fiberlink-Missouri, LLC ("Charter"), pursuant to 4 CSR 240-2.060, 4 CSR 240-2.075, 4 CSR 240-080, 4 CSR 2.015 and other applicable law, hereby respectfully states to the Missouri Public Service Commission (the "Commission") as follows:

Charter's Authority to Maintain this Application

1. Charter is a competitive provider of local and interexchange voice communications in Missouri. On April 5, 2001, the Commission in Case No. TA-2001-346 granted certificate of service authority to Charter to provide local and interexchange telecommunications services. Charter's certificate of service authority remains valid and is incorporated herein by reference pursuant to 4 CSR 240-2.060(1)(G). Charter is a limited liability company duly created and existing under and by virtue of the laws of the State of Delaware. Charter's principal place of business is located at 12405 Powerscourt Drive, St. Louis, Missouri 63131. Charter is authorized to do business in Missouri, having registered properly with the Missouri Secretary of State, and is in good standing with the Office of the Missouri Secretary of State, pursuant to 4 CSR 240-2.060(1)(C). *See Attachment 1 (Certificate of Good Standing for Charter Fiberlink-Missouri, LLC) to Application for Review and Reversal of NANPA Decision, filed December 18, 2007, In*

the Matter of the Application of Charter Fiberlink-Missouri, LLC to Overturn the North American Numbering Plan Administrator's Decision to Withhold Numbering Resources Related to the Wentzville Exchange, Case No. LO-20008-0199; the information contained therein remains current and correct.

2. The nature of Charter's business is the provision of voice communications services to residential and business customers.

3. In accordance with 4 CSR 240-2.060(1)(K), Charter states that there are no final unsatisfied judgments or decisions against it in any state or federal agency or court which involve customer service or rates for which action, judgment or decision has occurred within three (3) years of the date of this Application.

4. Pursuant to 4 CSR 240-2.060(1)(L), Charter states that it does not have any overdue annual reports or assessment fees owed to the Commission.

Service of Documents in this Proceeding

5. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

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with copy to:

Carrie L. Cox, Esq.
Vice President and Senior Counsel
Telephone Legal and Regulatory Affairs
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Charter's Annual Reports

6. Since obtaining certificate of service authority, Charter has submitted annual reports to the Commission pursuant to 4 CSR 240-3.540. Such reports have been submitted in their entirety as nonpublic information pursuant to 4 CSR 240-3.540.

Embarq's Application is Deficient as a Matter of Law

7. On or about January 10, 2008, Embarq Missouri, Inc. ("Embarq") filed an Application to Declassify. Embarq seeks, ostensibly pursuant to 4 CSR 240-3.540(5), to obtain nonpublic information from all annual reports submitted by all CLECs to the Commission.

8. 4 CSR 240-3.540(5) states that an entity seeking to make "information contained in the nonpublic version of *the* annual report . . . available to the public" must file a pleading with the Commission requesting an order to make the information available. 4 CSR 240-3.540(5) does not address the context or subject of Embarq's request, which is a request for information from unspecified annual reports and unspecified CLECs.

9. By seeking declassification of an entire class of companies, Embarq seeks to circumvent the notice and intervention process set forth in 4 CSR 240-2.075.

10. 4 CSR 240-3.540(5) also states that the entity seeking to make nonpublic information available “shall serve a copy of the pleading on the utility affected by the request.” Embarq did not serve a copy of its Application to Declassify on Charter, which is adversely affected by Embarq’s request.

11. Contrary to Embarq’s allegations, the nonpublic information that Embarq seeks, which is the “CLEC listing” derived from the Schedule 10 forms submitted by CLECs in their annual reports, is *not* “available to the public in any format”. The information sought by Embarq is a comprehensive listing of the exchanges in which each CLEC is actually providing services. There is no comprehensive public listing by Charter as to the exchanges in Missouri in which Charter is actually providing service, and there is no comprehensive public listing on an exchange by exchange basis in Missouri as to the CLECs actually providing service therein. Moreover, contrary to Embarq’s generalized assertions, the information concerning the specific exchanges in which Charter actually provides services is not publicly available, even on a piecemeal basis. Although Embarq asserts that “[m]ost carriers publicly announce where they operate as a way to obtain additional customers”, Charter does not announce, on an exchange by exchange basis, where Charter provides service. Instead, Charter’s tariff sets forth the exchanges in which Charter offers service. Embarq also asserts that the exchanges in which carriers provide service can be determined by their registration with and payment of franchise fees to municipalities. However, except in the case of a municipality that encompasses only a single exchange, the fact that a carrier has registered with or has paid franchise fees to a municipality does not indicate that the carrier provides service, or even offers service, in every exchange within the

municipality. Indeed, carriers who are cognizant of their legal obligations would register and may commence the payment of franchise fees in advance of providing service in order to ensure that they have all legal authority required to provide service in the municipality.

12. The Application to Declassify is deficient under 4 CSR 240-3.540(5) because it does not “explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal.” Embarq does not provide why it needs and how it intends to use the CLECs’ information, and does not provide each filing utility’s reason why the requested information should be kept under seal, much less explain why its reason for disclosing the information is more important, as required by the rule.

Charter’s Request for Intervention

13. Pursuant to 4 CSR 240-2.075 and other law, Charter seeks intervention. Charter opposes the relief sought by Embarq. The Commission’s decision in this matter will affect Charter’s interests as a provider of communications services, in that the information sought by Embarq to be declassified is and is derived from confidential information previously submitted by Charter. Charter in the future will also submit annual reports similar to those that are the subject of Embarq’s request. Intervention is sought herein so as to ensure that Charter’s past and future annual reports are not subject to improper disclosure.

14. Charter’s interests are different from those of the general public and the confidentiality of its past and future annual reports may be adversely affected by a decision in this case. Granting the request to intervene is in the public interest, moreover,

because Charter's expertise and participation will assist in developing and resolving the issues to be decided upon by the Commission.

15. Even assuming that 4 CSR 240-3.540(5) applies to the industry-wide declassification request made by Embarq -- which Charter specifically denies -- good cause exists, based on the foregoing statements of Charter, for a waiver of the fifteen (15) day response period therein, and to grant intervention.

Request For Relief

For the foregoing reasons, Charter respectfully requests that the Commission (a) grant Charter's request for intervention, (b) find and declare that Embarq's Application to Declassify is deficient, and deny Embarq's Application because Embarq did not meet the standards for such filing and for notice to affected entities, and (c) direct such other and further relief as may be appropriate.

Respectfully submitted this 30 day of January, 2008.



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VERIFICATION

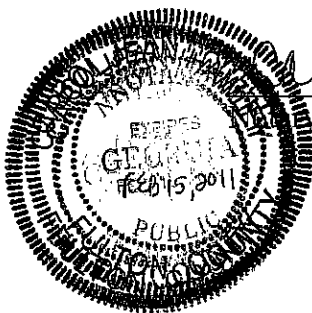
STATE OF GEORGIA)
) ss
COUNTY OF DEKALB)

I, Kennard B. Woods, an attorney for Charter Fiberlink-Missouri, LLC, being duly sworn upon my oath, do hereby state that I have read the foregoing document and that the facts stated therein are true and correct to the best of my knowledge, information and belief, and that I am authorized to file such document on behalf of Charter Fiberlink-Missouri, LLC.

Kennard B Woods

Kennard B. Woods

Subscribed and sworn to before me this 30th day of January, 2008.



Paul Jean Hawley

Public

My Commission Expires:

Feb 15, 2011

CERTIFICATE OF SERVICE

I hereby certify that, this 30 day of January, 2008, copies of the foregoing have been (a) mailed, postage prepaid, to each of the persons listed below, and (b) emailed to the persons whose email addresses are set forth below,

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